

APPEAL NO. 040231
FILED MARCH 10, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 6, 2004. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury on _____; (2) the disc bulges at levels T11-12 and T12-L1 are not compensable; (3) the respondent (self-insured) is relieved from liability for this claim under Section 409.002, because the claimant failed to timely notify her employer of an injury pursuant to Section 409.001; and (4) the claimant did not have disability. The claimant appeals these determinations essentially on sufficiency of the evidence grounds. The self-insured urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The claimant had the burden of proof on these issues, including the notice issue. See Texas Workers' Compensation Commission Appeal No. 011140, decided July 5, 2001. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer believed that the claimant had an injury to her back but found that such injury was not sustained in the course and scope of employment. This determination, as well as the remaining appealed determinations, are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The claimant requests reversal of the hearing officer's decision for the development and presentation of additional evidence with regard to the cause of the injury, i.e. disc bulges. We observe that the claimant was given sufficient opportunity to meet her burden of proof on the disputed issues. Accordingly, we decline to reverse the hearing officer's decision.

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**NO
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge